



Attorney Docket 057234/0101

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants: Michael William URBANSKI et al.  
Title: METHOD, SYSTEM, AND SOFTWARE FOR GEOGRAPHICALLY  
FOCUSED NETWORK ADVERTISING  
Appl. No.: 09/714,665  
Filing Date: 11/17/2000  
Examiner: D. Champagne  
Art Unit: 3622

**APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41**

Mail Stop APPEAL BRIEF - PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following is the Appellants' Reply Brief under 37 C.F.R. § 41.41, which is being filed in response to the Examiner's Answer mailed on July 7, 2005.

The following is the applicants' reply to the contentions of the examiner in the Examiner's Answer.

**1. The examiner's characterization of the specification in paragraph 5 of the Examiner's Answer is incorrect**

In paragraph 5, the Examiner's Answer asserts that the following disclosure in the specification

“A user first accesses a computer server (or more generically an “information site”) on a public or private network, such as the Internet.” (Page 5, lines 20-21 of the specification)  
means “information site” is a genus including “computer server,” but there is no disclosure that “an information site represents a computer server.” See page 3, lines 1-2 of the Examiner's Answer.

This assertion is incorrect. The cited portion clearly states that the computer server is more generically referred to as an information site (i.e., the computer server is also referred to as an information site) and no where does it state that the “information site is a genus including computer server,” as asserted in the office action. Quite on the contrary, the specification makes clear that the information site is provided by the server or server device so that if there is a genus-specie relationship, the information site is a specie of a computer server (i.e., those servers configured as the disclosed and claimed information sites). See, for example, Page 8, 31 to page 9, line 4. This portion discloses that “...an information site provided by the server device 120.” See page 8, line 31 to page 9, line 1 and page 9, line 2. Therefore, the specification discloses the opposite of the examiner’s assertion with respect to the definition of an information site.

**2. The Examiner’s Answer in uses an incorrect interpretation of “information site” in paragraphs 9 and 10**

As discussed above in paragraph (1) above, the Examiner’s Answer incorrectly asserts that the “information site” is a genus including a computer server. In fact, the specification clearly discloses that

“a computer server (or more generically an ‘information site’) in a public or private network, such as the Internet.” See page 5, lines 20-21 of the specification.”

This is clear and unambiguous definition using the well known convention of defining terms by enclosing them in quotation marks. Furthermore, the definition makes clear that a computer server is also referred to as an information site so that the claimed and disclosed information site is necessarily a computer server or server device.

The rest of the specification is also consistent with this definition. See, for example, Page 8, 31 to page 9, line 4 of the specification. This portion discloses that “...an information site provided by the server device 120.” See page 8, line 31 to page 9, line 1 and page 9, line 2. Therefore, it is very clearly disclosed throughout the specification that an information site is provided by a computer server or server device. If there is any genus-specie relationship (as posited by the examiner), the specification discloses that the information site is a specie of a computer server or server device (i.e., those computer servers or server devices that are configured as an information site). Since the final rejection of all the independent claims 1, 16, and 31 are based on this erroneous interpretation of

“information site,” the final rejections of these independent claims (and all claims dependent therefrom) should be withdrawn.

**3. The Examiner’s Answers’ assertion that Thibodeau discloses the claimed “network” is incorrect**

The Examiner’s answer also incorrectly asserts that the claimed “network” is not clearly defined in the specification when the specification clearly defines the electronic network as a communication network that communicates with a server device 120. See page 9, lines 23-29 of the specification. Since the tunable receiver of Thibodeau is not a server device, the communication between the tunable receiver (and the TV) is not over a “network” as recited in claims when interpreted in light of specification from the perspective of one skilled in the art.

The examiner’s answer also erroneously cites to col. 12, lines 9-10 and col. 5, line 44 of Thibodeau for disclosing the claimed network between the information site and the user. At best, these cited portions refer to the transmission of information to the tunable receiver (which the examiner interprets as the information site). Nowhere does Thibodeau disclose providing of the generated information “over the network to the user or the device,” as required by independent claim 32 and similar features recited in the other independent claims

Therefore, the rejection of all the finally rejected claims based on this erroneous interpretation should be withdrawn.

**Conclusion**

In view of above, appellants respectfully solicit the Honorable Board of Patent Appeals and Interferences to reverse the rejection of the pending claims and pass this application on to allowance.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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